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FILED

JUN 23 2010

**SECRETARY, BOARD OF
OIL, GAS & MINING**

**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

UTAH CHAPTER OF THE SIERRA CLUB,
et al, Petitioners,

vs.

UTAH DIVISION OF OIL, GAS & MINING,
Respondents,

ALTON COAL DEVELOPMENT, LLC, and
KANE COUNTY, UTAH,

Respondent/Intervenors.

**ALTON COAL DEVELOPMENT, LLC'S
RESPONSE TO THE BOARD'S REQUEST
REGARDING AIR QUALITY**

Docket No. 2009-019

Cause No. C/025/0005

Alton Coal Development, LLC ("**Alton**" or "**ACD**"), the permittee of Mine Permit No. C/025/0005 ("**Permit**"), through its attorneys, and at the request of the Board's counsel, supplements its response relating to air quality issues raised by Petitioners Utah Chapter of the Sierra Club, Southern Utah Wilderness Alliance, Natural Resources Defense Council and National Park Conservation Association (collectively "**Petitioners**"). On Tuesday, June 15,

2010, the Board requested that the parties update the Board on: (1) the status of air quality permits relating to the Coal Hollow Mine and pending before the Utah Division of Air Quality (“**UDAQ**”), and (2) how any potential challenge to air quality findings by the Utah Division of Oil, Gas & Mining (“**UDOGM**”) should be handled. The Board’s request relates to Petitioners’ Air Quality Issue 5 and Permittee’s response herein supplements its post-hearing brief filed with the Board on May 11, 2010 and its reply brief filed with the Board on May 18, 2010.

I. PERMITTEE’S FUGITIVE DUST CONTROL PLAN IS APPROVED BY UDAQ

Chris McCourt, Project Manager of the Coal Hollow Mine Project, has confirmed that Alton’s Fugitive Dust Control Plan (the “**Dust Control Plan**”) submitted to the UDAQ on March 17, 2010, has been approved by UDAQ. Alton’s Dust Control Plan, includes the Method 9 Opacity Methodology, which has also been approved by UDAQ. The Air Quality Approval Order (“**Approval Order**”) for the Coal Hollow Mine remains under consideration by UDAQ pending review of air dispersion modeling. Paragraphs 6, 7 and 8, Declaration of Chris McCourt, dated June 22, 2010, attached hereto as **Exhibit A**.

II. FURTHER OPPORTUNITY FOR PUBLIC REVIEW OF ALTON’S AIR QUALITY APPROVAL ORDER

The UDOGM has conditioned the Coal Hollow Mine Permit to require that Alton receive an approved Air Quality Approval Order prior to conducting surface coal mining, consistent with R645-301-421. It is clear that the UDAQ, not the UDOGM, has authority to issue Alton’s Air Quality Approval Order. Utah Admin. R307-401-8 (2009). The UDAQ is specifically authorized to regulate fugitive dust associated with mining activities. Utah Admin. R307-205-5 (2009) (the emission standards and rules regulating fugitive emissions and fugitive dust are attached hereto as **Exhibit B**.) Alton’s Dust Control Plan has been submitted to the UDAQ as a component of the best available control technology (“**BACT**”) under its pending application for

Approval Order. Paragraph 6, Declaration of Chris McCourt. The Dust Control Plan component of the Air Quality Approval Order has now been approved by the UDAQ. Exhibit 3, Declaration of Chris McCourt (cover page of Dust Control Plan stamped “Accepted” by the UDAQ). Upon the UDAQ’s approval of all components of Alton’s pending application, the initial Approval Order will be subject to a thirty-day public comment period. If contested, the initial Approval Order may be reviewed in a hearing before the Utah Air Quality Board. Utah Admin. R307-103-2 and 3.

By letter dated November 16, 2009, Petitioner Southern Utah Wilderness Alliance (“SUWA”) requested that the UDAQ notify SUWA when the Approval Order for the Coal Hollow Mine is available for comment and also requested a public hearing. Letter from SUWA to the UDAQ dated November 16, 2009, attached as Exhibit 1 to Declaration of Chris McCourt. SUWA clearly intends to avail itself of this opportunity for public comment and hearing. In the June, 2010 edition of the Redrock Report, SUWA invites its members to comment on Alton’s pending air quality permit:

There is one more official opportunity for you to express your opinion about the proposed mine. The Utah Division of Air Quality is evaluating the coal company’s air pollution permit now and we will let you know when the public comment period opens.

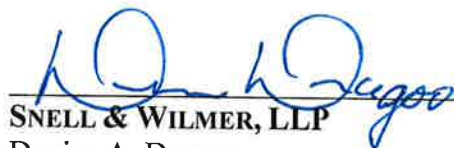
Redrock Report, June 2010, “Threatened Places: Update on the Proposed Coal Mine Near Bryce Canyon.” <http://www.suwa.org>.

The UDAQ and Board of Air Quality have procedures in place to address a potential challenge to the Air Quality Approval Order. Any such challenge would be addressed by the UDAQ, not by the UDOGM or the Board of Oil, Gas and Mining.

CONCLUSION

In sum, the UDOGM has appropriately conditioned the commencement of surface mining operations under the Coal Hollow Mine Permit upon Alton's receipt of an approved Air Quality Approval Order from the UDAQ. Significantly, the UDAQ has already approved Alton's Dust Control Plan as a component of the Air Quality Approval Order. The Board and Division of Air Quality have a procedure in place for allowing public comment and an opportunity for hearing on an initial Approval Order. Indeed, SUWA has already notified its members and the UDAQ of its intent to avail itself of this opportunity. Therefore, the Board should uphold UDOGM's approval of the Coal Hollow Mine Permit with the condition that surface mining operations cannot commence until the UDAQ's approval of Alton's Air Quality Approval Order.

SUBMITTED this 23rd day of June, 2010.


SNELL & WILMER, LLP
Denise A. Dragoo
James P. Allen
M. Lane Molen

LANDRUM & SHOUSE LLP
Bennett E. Bayer (*Pro Hoc Vice*)

Attorneys for Alton Coal Development, LLC

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of June, 2010, I e-mailed a true and correct pdf copy of the foregoing **ALTON COAL DEVELOPMENT, LLC'S RESPONSE TO THE BOARD'S REQUEST REGARDING AIR QUALITY** to the following:

Stephen Bloch, Esq. (steve@suwa.org)
Tiffany Bartz, Esq. (tiffany@suwa.org)
Southern Utah Wilderness Alliance

Walton Morris, Esq. (wmorris@charlottesville.net)
Sharon Buccino, Esq. (sbuccino@nrdc.org)
Natural Resources Defense Council

Michael S. Johnson, Esq. (mikejohnson@utah.gov)
Assistant Attorney General

Steven F. Alder, Esq. (stevealder@utah.gov)
Frederic Donaldson, Esq. (freddonaldson@utah.gov)

James Scarth, Esq. (attorneyasst@kanab.net)
Kane County Attorney



**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

UTAH CHAPTER OF THE SIERRA CLUB,
et al, Petitioners,

vs.

UTAH DIVISION OF OIL, GAS & MINING
and
ALTON COAL DEVELOPMENT, LLC,
Respondents.

**DECLARATION OF
CHRIS MCCOURT**

Docket No. 2009-019

Cause No. C/025/0005

DECLARATION

I, Chris McCourt, declare under penalty of perjury as follows:

To the best of my personal knowledge each of the facts set forth below is true, and if called upon I could and would testify regarding the following in the above-captioned matter.

1. I am a citizen of the United States over the age of 21 years and of sound mind.
2. I am the Project Manager of Alton Coal Development, LLC's ("**Alton's**") Coal Hollow Mine project and my duties include the responsibility for obtaining environmental permits to operate the Coal Hollow Mine.
3. In May, 2007, Alton submitted an initial Notice of Intent ("**NOI**") for Alton's proposed Coal Hollow Mine seeking an Air Quality Approval Order from the Utah Division of Air Quality ("**UDAQ**"). This preliminary NOI estimated fugitive dust and point source emissions for operations and combustion. The NOI was revised in November, 2008.
4. On April 20, 2009, Alton submitted a finalized NOI to UDAQ and following that submission, the UDAQ requested additional information which was provided by Alton resulting in supplemental changes to the NOI.
5. In November, 2009, Marty Gray, UDAQ Section Manager, informed me at a meeting regarding the NOI that the Southern Utah Wilderness Alliance ("**SUWA**") had notified UDAQ that it would be requesting a hearing before the Air Quality Board upon UDAQ's approval of Alton's air quality permit. See Letter from SUWA dated November 16, 2009, to UDAQ, attached hereto as Exhibit 1.

6. On March 17, 2010, Alton submitted to UDAQ a package addressing all pending recommendations and concerns as to the pending NOI. This submittal included Alton's proposed Fugitive Dust Control Plan as Appendix E to its Best Available Control Technology ("BACT") analysis. Alton's proposed Method 9 Opacity Methodology and Documentation was included in the March 17, 2010 package as Attachment 3 to the BACT. A true and correct copy of Alton's cover page and Table of Contents to the March 17, 2010 NOI submission, and the BACT Table of Contents and the Fugitive Dust Control Plan submitted to UDAQ is attached hereto as Exhibit 2.

7. At a May 4, 2010 meeting regarding the NOI, I was informed by Marty Gray, and Reginald Olsen, UDAQ Permitting Branch Manager, that the UDAQ had approved all of Alton's March 2010 NOI submittal with the exception of the air dispersion modeling. The approved portion of the NOI includes the Fugitive Dust Control Plan, including Method 9 Opacity Methodology and Documentation. By e-mail dated June 21, 2010, Jon Black, UDAQ Environmental Engineer, forwarded to me the front page of Alton's Fugitive Dust Control Plan with UDAQ's date-stamped receipt of March 22, 2010. The cover page of the Fugitive Dust Control Plan is stamped "accepted" and is initialed by Jason Krebs with the UDAQ Compliance Section. It is my understanding that the "accepted" stamp signifies UDAQ's approval of the Fugitive Dust Control Plan. The June 21, 2010 e-mail and UDAQ's stamped cover page and are attached hereto as Exhibit 3.

8. The UDAQ is currently reviewing Alton's modeling compliance demonstrations relating to the Final NOI and contemplates completion of its analysis within the next few weeks. It is my understanding that once approved by UDAQ, Alton's initial Air Quality Approval Order is subject to a thirty-day public review period. If the initial order is not contested during the comment period, it will become final. If contested, the initial order may be reviewed in a hearing before the Air Quality Board. See Utah Admin. R. 307-103-2 and 3.

Pursuant to Utah Code § 78B-5-705, I DECLARE, under penalty of perjury that the foregoing is true and correct.

Executed this 22nd day of June, 2010, in Salt Lake City, Utah.

A handwritten signature in cursive script, reading "Chris Hebert", is written over a horizontal line.

EXHIBIT 1
to
Declaration of Chris McCourt



southern
utah
wilderness
alliance

**VIA ELECTRONIC MAIL (rdolsen@utah.gov, martygray@utah.gov,
tandrus@utah.gov), HARD COPY SENT VIA U.S. MAIL**

New Source Review Section
Permitting Branch
Division of Air Quality
150 N 1950 W
Salt Lake City, UT 84116

November 16, 2009

Re: Request for Notification and Request for Public Hearing

Dear Messrs. Olsen, Gray, and Andrus,

I would like to request that the Division of Air Quality (DAQ) notify the Southern Utah Wilderness Alliance (SUWA) when it receives a completed Notice of Intent for the Coal Hollow Mine being pursued by Alton Coal Development, LLC. I would also like to request that SUWA be notified when DAQ's Approval Order for this permit is available for public comment. Finally, I would like to request that a public hearing on this permit be held in Salt Lake City before any approval is issued.

I look forward to hearing from you shortly regarding these requests. Please feel free to contact me with any questions or concerns at (801) 428-3981.

Sincerely,

/s/ David Garbett

David Garbett
Staff Attorney
Southern Utah Wilderness Alliance
425 E 100 S
Salt Lake City, UT 84111
david@suwa.org

EXHIBIT 2
to
Declaration of Chris McCourt

Alton Coal Development, LLC

Coal Hollow Surface Mine

Permit Application Package

Submitted To:

Utah Department of Environmental Quality
150 North 1950 West
Salt Lake City, UT 84114

Prepared for:

Alton Coal Development, LLC
463 North 100 West
Cedar City, UT 84721
Contact: Chris McCourt
435.867.5331

Prepared by:

JBR Environmental Consultants, Inc.
7669 West Riverside Dr., Ste 101
Boise, ID 83714
Contact: David E.B. Strohm II
208.853.0883

March 17, 2010



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Permit Application Package

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Section 1 – Issue Resolution Memo

Section 2 – Revised Notice of Intent to Process Coal from Surface Mining

Coal Hollow Mine – Coal Sizing & Stockpiling Facility

Kane County, UT

Section 3 – December 2009 Overburden Moisture Content Drilling Program,

Alton Coal Development, LLC

Coal Hollow Mine, Kane County, UT



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Appendix E

Fugitive Dust Control Plan

ALTON COAL DEVELOPMENT, LLC

463 NORTH 100 WEST, SUITE 1
(435) 867-5331

Fugitive Dust Control Plan For Coal Hollow Project

Located In:

T39S, R5W, Sections 19, 20, 29 and 30, southeast
of Alton in Kane County, UT

for questions regarding this plan contact

Chris McCourt

at

(435) 867-5331

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Attachment 1 Responsible Parties for Fugitive Dust Control

Attachment 2 Fugitive Dust Management, Acknowledgement and Certification

I. Introduction

Alton Coal Development, LLC (Alton) intends to excavate and process coal from its Coal Hollow Mine Site, located south-southeast of Alton, UT. A Notice of Intent has been filed with the Utah Department of Environmental Quality, Division of Air Quality (UDAQ). Typical operations will include excavation, hauling, sizing and stockpiling the coal. The intent of this Fugitive Dust Control Plan (FDCP) is to outline Alton's plan to control fugitive dust during coal mining operations.

II. Regulatory Applicability

Utah Administrative Code R645-301-423 requires that all surface coal mining and reclamation activities with projected production rates exceeding 1,000,000 tons of coal per year must provide an air pollution control plan. The Coal Hollow Mine projects a production rate of 2,000,000 tons of coal a year, therefore this code is applicable to the operation. Although the Coal Hollow Mine is not subject to the requirements of UAC R307-309, *Non-attainment and Maintenance Areas for PM10: Fugitive Emissions and Fugitive Dust*, as it is not in a non-attainment area or maintenance area, the mine is subject to R307-205, *Emission Standards: Fugitive Emissions and Fugitive Dust*. The purpose of R307-205 is to establish minimum work practices and emission standards for sources of fugitive emissions and fugitive dust located in all areas of the state, except those listed in the state implementation plan or non-attainment areas (UAC R307-205-1). While R307-205 does not require the implementation of a FDCP, Alton has prepared this FDCP to ensure the requirements of R645-301-423, R645-301-244, R645-301-526.220 and R307-205 are met.

The UAC R307-309-2 defines material as "sand, gravel, soil, minerals, other matter that may create fugitive dust." For this FDCP, material is used and defined in the same way. The following activities of concern to the UDAQ and UDOGM, will take place:

YES	NO	ACTIVITY
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Storage, hauling or handling operations of material
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Clearing, leveling and reclamation of land one-quarter acre or greater in size
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Earthmoving, excavation, or movement of trucks or construction equipment over cleared land one-quarter acre size or greater
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Haul road access and activity
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Engaging in demolition activities including razing homes, buildings or other structures

Alton recognizes that in some cases, an approval order or temporary relocation permit will be required for the project, especially in cases of equipment use such as crushers or screens. This document in no way releases Alton from the requirements of air quality permits.

III. Source Information

The section supplies the site specific information regarding the project. Although not required by the UAC, the Utah Division of Air Quality (UDAQ) suggests the FDCP contain the following source specific information. Therefore, the information provided in this section is not to be used for determining compliance with any applicable permits, rather to give an overall understanding of the project for fugitive dust applications only.

SOURCE INFORMATION	
Name of Operation:	Alton Coal Development, LLC – Coal Hollow Mine
Address or Approximate Location:	T39S, R95W, Sections 19, 20, 29 and 30, South-southeast of Alton in Kane County, UT
Approximate Length of Project:	5 years
Description of Process or Activity:	Preparing site for mining operations including installation of buildings, haul roads and sizing/stockpiling equipment. Conducting coal mining operations including clearing topsoil, overburden removal, excavation of coal, and sizing, sorting and stockpiling coal.
Type of Material Processed or Disturbed:	Topsoil and vegetation temporarily removed (will be replaced and re-vegetated). Vegetation, topsoil, overburden, coal
Amount of Material Processed or Disturbed:	Approximately 240 acres of land will be cleared of topsoil and overburden to allow for excavation of coal. Approximately 193 acres will be cleared of topsoil to allow placement of support buildings and sizing and stockpiling operations, as well as construction of haul roads, sediment ponds, spoil placement and subsoil/topsoil stockpiles

In all cases, the responsible parties for fugitive dust control are the owner and/or operator.

Attachment 1 identifies the owner and operators of this project, and the contact information of the individuals responsible for implementation and maintenance of the FDCP.

In addition, all subcontractors who may be active on the project have will be required to enter into an agreement of shared responsibility regarding fugitive dust control. Attachment 2 provides the form which would identify subcontractors and the duration of subcontractor activity on the project. Also included in Attachment 2 is a signed acknowledgement that would be provided for each subcontracting company. Included in that acknowledgement is: awareness of the FDCP, intent to comply with the FDCP, obligation of reporting to the owner and/or operator any problems with fugitive dust control, and shared responsibility of any fines incurred from subcontractor negligence regarding fugitive dust control.

IV. Fugitive Dust Emission Activities

The section fulfills the requirements set for the UAC R307-309-6(1)(a)-(k), by further addressing the specific project activities generating fugitive dust.

ACTIVITY	YES	NO	ACTIVITY DETAILS
MATERIAL STORAGE	✓	<input type="checkbox"/>	<p><i>List the type of material, how many storage piles and area used for storage piles.</i></p> <p>Initially, topsoil will be removed from the facility area and stockpiled. Also topsoil and subsoil from the initial coal pits will be salvaged and stored in the east of the mining area. As mining progresses, topsoil and overburden from one pit will be direct hauled to reclamation areas, when practical. Any topsoil piles that exist for at least 1 year will be stabilized by sloping to a 3:1, reseeding and mulching. Piles that exist for less than 1 year will be coated with a tackifier at the manufacturer's suggested rate for dust control applications.</p> <p>There is one coal stockpile planned that is expected to contain approximately 50,000 ton.</p>
MATERIAL HANDLING, TRANSFER, HAULING, LOADING, OR DUMPING	✓	<input type="checkbox"/>	<p><i>List the type of material that will be handled, transferred, loaded, hauled and/or dumped and the equipment that will be used for these activities.</i></p> <p>Topsoil will be handled with loaders, dozers, trucks and/or graders.</p> <p>Overburden will be handled with loaders, excavators and trucks.</p> <p>Coal will be handled with loaders, excavators, trucks, conveyors, screens, and crushers.</p>
HAUL ROADS, ROADWAYS, OR YARD AREAS	✓	<input type="checkbox"/>	<p><i>List vehicles, equipment, and frequency of driving on the haul roads, roadways, or yard areas. List approximate lengths of road or areas these items will take up.</i></p> <p>There will be two sets of roads at the site, coal haul roads and overburden haul roads. The majority of the coal haul roads will be mostly long term and centrally located at the site. The maximum length will be approximately 7900'. 80 to 100 ton haul trucks will be the primary vehicles on these roads.</p>

			<p>Overburden haul roads will be located near the pits and location and length will be constantly changing as mining progresses. 150 to 250 ton haul trucks will be the primary vehicles on the overburden haul roads.</p> <p>All haul roads will have marked speed limit of 25 mph and either watering or chemical suppressant dust control.</p>
CLEARING, LEVELING, AND UNVEGETATED RECLAMATION AREAS	✓	<input type="checkbox"/>	<p><i>List the acreage of land being cleared or leveled.</i></p> <p>Approximately 433 acres will be cleared for mining and sizing/stockpiling activities. This area will be reclaimed contemporaneously with mining operations in order to restore the lands post mining land use in an efficient and timely manner.</p>
EARTH MOVING, EXCAVATION	✓	<input type="checkbox"/>	<p><i>List the areas of earthmoving, excavation or trenching.</i></p> <p>The coal pit areas, storage piles, roads, ditches and sediment pond locations.</p>
CONSTRUCTION, DEMOLITION	✓	<input type="checkbox"/>	<p><i>List the structures that will be demolished or constructed and the areas associated with those activities.</i></p> <p>Several temporary buildings will be constructed in the processing area, in the northern portion of the site. These buildings include the South Control Room, Wash Bay, Shop, Oil Storage, and Office.</p>
DRILLING, BLASTING, PUSHING OPERATIONS	✓	<input type="checkbox"/>	<p><i>List frequency of drilling blasting and pushing operations, (hours per day, days per week, weeks per year).</i></p> <p>Operations will occur up to 24 hr/day, 6 days per week, 52 weeks per year</p>
MATERIAL PROCESSING**	✓	<input type="checkbox"/>	<p><i>Will any material be made or altered during the project? For example, crushing, screening, concrete production? Explain any material processing activities that will take place.</i></p> <p>The sizing and sorting operation involves crushing/breaking, screening, conveying, and stockpiling. Material is extracted at the mine using hydraulic excavators and delivered to the processing plant by haul trucks. The material is</p>

			sized by a feeder breaker which is a round shaft with bits attached that spin across the coal to break the coal. One conveyor transfers the broken up coal to the roll crusher and from the roll crusher to the stacker belt and into the stockpile.
OTHER	✓	<input type="checkbox"/>	Reclamation areas that have topsoil applied during a season not suitable for seeding will have tackifier applied for dust control measures. During the appropriate season for seeding, all newly reclaimed areas will then be seeded and mulched.

*Material processing may require an approval order or other air permit. If applicable, the appropriate permits are in Attachment 3.

V. Fugitive Dust Controls

There are various aspects of fugitive dust control that must be addressed

- Road Activity – Fugitive Dust Control
- Activity Specific On-Site Fugitive Dust Control
- Off-Site Fugitive Dust Control

i. Road Activity – Fugitive Dust Control

The following are requirements, specific to road use that must be implemented during all projects, as indicated by the UAC. The UAC specifically identify activities that require prompt mitigation for control of fugitive dust. Due to the nature of Alton's business, these activities will always apply to a project; therefore, these techniques will be implemented for duration the project.

UAC R307-309-7. Storage, Hauling, and Handling of Coal and Overburden.

Any person owning, operating or maintaining a new or existing material storage, handling, or hauling operation shall prevent, to the maximum extent possible, material from being deposited onto any paved road other than a designated deposit site. Any such person who deposits materials that may create fugitive dust on a public or private paved road shall clean the road promptly.

UAC R307-309-7. Construction and Demolition Activities.

Any person engaging in clearing or leveling of land with an area of one-quarter acre or more, earthmoving, excavating, construction, demolition, or moving trucks or construction equipment over cleared land or access haul roads, shall prevent, to the maximum extent possible, material from being deposited onto any paved road other than a designated deposit site. Any such person who deposits materials that may create fugitive dust on a public or private paved road shall clean the road promptly.

UAC R307-309-9. Roads.

- (1) Any person responsible for construction or maintenance of any existing road or having right-of-way easement or possessing the right to use the same whose activities results in fugitive dust from the road shall minimize fugitive dust to the maximum extent possible. Any such person who deposits material that may create fugitive dust on a public or private paved road shall clean the road promptly.
- (2) Unpaved Roads. Any person responsible for construction or maintenance of any new or existing paved road shall prevent, to the maximum extent possible, the deposit of material from the unpaved road onto any intersecting paved road during construction or maintenance. Any person who deposits material that may create fugitive dust on a public or private paved road shall clean the road promptly.

ii. Activity Specific On-Site Fugitive Dust Control

For each activity that was described in *IV. Fugitive Dust Emission Activities*, a control strategy or strategies are listed. The strategies are listed in a staged approach, meaning that if the first approach of control, Stage 1, is not satisfactory, then the next approach of control, Stage 2 will be attempted. Stage 3 is the final stage. If Stage 3 is unsuccessful in mitigating fugitive dust, this plan requires ceasing operation to control fugitive dust.

It is the owner/operator's responsibility to ensure that each of these control strategies are implemented and maintained on-site and that all subcontractors are aware of their obligation regarding these control strategies. Additional space has intentionally been included to allow the site supervisor to include any additional control strategies at each stage.

ACTIVITY	CONTROL STRATEGY	
MATERIAL STORAGE	Stage 1:	Either seeding and mulch or tackifier application for topsoil and subsoil.
	Stage 2:	Coal: Inherent moisture with water sprays as needed. Topsoil/Subsoil: Increase rate of tackifier application until fugitive dust is controlled. Coal: Increase use of water sprays until fugitive dust is controlled.
	Stage 3:	Topsoil/Subsoil and Coal: Minimize or reduce operations.
MATERIAL HANDLING, TRANSFER, HAULING LOADING, OR DUMPING	Stage 1:	Inherent moisture with water sprays only on an as-needed basis.
	Stage 2:	Increase use of water sprays until fugitive dust is controlled.
	Stage 3:	Minimize or reduce operations.
HAUL ROADS, ROADWAYS, OR YARD AREAS	Stage 1:	Water sprays only on as-needed basis.
	Stage 2:	Increase use of water sprays until fugitive dust is controlled, apply magnesium chloride or gravel as needed.
	Stage 3:	Minimize or reduce travel on these areas.
CLEARING, LEVELING, AND UNVEGETATED RECLAMATION AREAS	Stage 1:	Inherent moisture with water sprays only on an as-needed basis. Reclamation areas that have been graded and topsoiled will either be seeded and mulched, if during the appropriate planting season, or tackifier will be applied to control fugitive dust and erosion until the proper planting season.
	Stage 2:	Increase use of water sprays until fugitive dust is controlled.
	Stage 3:	Minimize and reduce operations.
EARTH MOVING, EXCAVATION	Stage 1:	Inherent moisture with water sprays only on an as-needed basis.
	Stage 2:	Increase use of water sprays until fugitive dust is

		controlled.
	Stage 3:	Minimize or reduce operations.
CONSTRUCTION, DEMOLITION	Stage 1:	Water sprays only on an as-needed basis.
	Stage 2:	Increase use of water sprays until fugitive dust is controlled.
	Stage 3:	Minimize or reduce operations.
DRILLING, BLASTING, PUSHING OPERATIONS	Stage 1:	Perform activity when low or no wind exists, when practicable.
	Stage 2:	Use water sprays on the area where activity will occur.
	Stage 3:	Minimize or reduce operations.
MATERIAL PROCESSING** (includes crushing and screening type operations)	Stage 1:	Inherent moisture with water sprays only on an as-needed basis.
	Stage 2:	Increase use of water sprays until fugitive dust is controlled.
	Stage 3:	Minimize or reduce operations.

** If processing other than crushing or screening occurs, the fugitive dust controls for those operations are addressed in the "OTHER" category.

Alton will also implement an awareness level program to minimize fugitive dust due to mining activities and haul road traffic in the pit areas. The site supervisor, (or authorized representative) will periodically observe the dust throughout each shift to determine the level of control needed to minimize the dust.

The following levels of awareness and control will be used:

Level 0 – No dust present; current dust control measures are adequate.

Level 1 – Weather or production causing dust at 0-5% opacity at the permit boundary; increase dust control measures necessary. Watering frequency and application of magnesium chloride on the Out of Pit haul roads will be increased until Level 0 is reached.

Level 2 - Weather or production causing dust at 5-10% opacity at the permit boundary; increase dust control measures necessary. Watering frequency and application of magnesium chloride on the Out of

Pit haul roads will be increased until Level 0 is reached. Production reduced until evident that these measures are controlling the dust.

Level 3 - Weather or production causing dust > 10% opacity at the permit boundary; increase dust control measures necessary. Production stopped until Level 2 is reached. Level 2 activities conducted until Level 0 is reached.

Watering records will be maintained to show the dust control measures taken. These records will be provided in the Annual Report made available to Utah Division of Oil, Gas and Mining and to the inspectors upon request.

Since this plan provides control strategies based on total project opacity impacts at the property boundary, monitoring at the property boundary will be sufficient to "judge the effectiveness of the fugitive dust control plan". In order to monitor opacity at the property boundary, Alton Coal will utilize standard Method 9 methodologies for the highest density "aggregate" plume from all sources within the property thus capturing highest impact of both point and non-point sources. Attachment 3 contains a description of Method 9 techniques.

iii. Activity Specific Off-Site Fugitive Dust Control

Alton will control off-site of fugitive dust, which includes track-out, with the following control strategies:

OFF-SITE ACTIVITY	CONTROL STRATEGY	
FUGITIVE DUST ESCAPING FROM TRUCK BEDS	Stage 1:	Inherent moisture in material.
	Stage 2:	Use a synthetic cover for haul trucks.
	Stage 3:	Minimize or reduce operations.
TRACK-OUT	Stage 1:	Course gravel will be placed at the entrances and exits of the construction area to public roads to prevent track-out.
	Stage 2:	Use of a grader to clean the road from track-out.
	Stage 3:	Minimize or reduce operations, or wash tires.

VI. Continuous Improvement

Alton will review this plan and activities associated with controlling the Coal Hollow site's fugitive dust at least ONCE A YEAR. Changes to the plan will occur at this time, or sooner, if necessary.

ATTACHMENT 1

Responsible Parties for Fugitive Dust Control

Responsible Parties for Fugitive Dust Control

OPERATOR:	Alton Coal Development, LLC
Contact Name:	Chris McCourt
Position:	Mine Manager
Phone Number:	435-867-5331
OWNER:	Alton Coal Development, LLC
Contact Name:	Robert C. Nead, Jr.
Position:	Managing Member
Phone Number:	(239) 825-2332

ATTACHMENT 2

**Fugitive Dust Management, Acknowledgement and
Certification**

Fugitive Dust Management, Acknowledgement and Certification

Contractor:	
Contact Name:	
Position:	
Phone Number:	
Start Date on Project:	
Finish Date on Project:	

I certify that I have reviewed the Fugitive Dust Control Plan and understand the requirements of this Plan, required under the Utah Administrative Code R307-309, and will instruct all employees of the Contractor on site to follow guidelines set for in the plan to control fugitive dust. The Contractor is equally responsible for fugitive dust maintenance and any fugitive dust violations from the Utah Division of Air Quality that may be directly related to the Contractor or its employees. Any and all subsequent violations due to fugitive dust non-compliance that can be attributed to the Contractor may be monetarily assessed to the Contractor by the owner and/or operator receiving the fine. The Contractor will report any fugitive dust control non-compliance to the owner and/or operator listed in this document.

Contractor	
<hr/>	
Company Name (Printed)	
<hr/>	
Name (Printed)	
<hr/>	
Signature	Date
<hr/>	<hr/>

Alton Coal Development, LLC	
Chris McCourt	
Name (Printed)	
Signature	Date
<hr/>	<hr/>

ATTACHMENT 3

Method 9 Opacity Methodology and Documentation

**EMISSION MEASUREMENT TECHNICAL INFORMATION CENTER
NSPS TEST METHOD**

Prepared by Emission Measurement Branch
Technical Support Division, OAQPS, EPA

EMTIC TM-009
October 25, 1990

**Method 9 - Visual Determination of the Opacity of Emissions
from Stationary Sources**

INTRODUCTION

- (a) Many stationary sources discharge visible emissions into the atmosphere; these emissions are usually in the shape of a plume. This method involves the determination of plume opacity by qualified observers. The method includes procedures for the training and certification of observers and procedures to be used in the field for determination of plume opacity.
- (b) The appearance of a plume as viewed by an observer depends upon a number of variables, some of which may be controllable in the field. Variables which can be controlled to an extent to which they no longer exert a significant influence upon plume appearance include: angle of the observer with respect to the plume; angle of the observer with respect to the sun; point of observation of attached and detached steam plume; and angle of the observer with respect to a plume emitted from a rectangular stack with a large length to width ratio. The method includes specific criteria applicable to these variables.
- (c) Other variables which may not be controllable in the field are luminescence and color contrast between the plume and the background against which the plume is viewed. These variables exert an influence upon the appearance of a plume as viewed by an observer and can affect the ability of the observer to assign accurately opacity values to the observed plume. Studies of the theory of plume opacity and field studies have demonstrated that a plume is most visible and presents the greatest apparent opacity when viewed against a contrasting background. Accordingly, the opacity of a plume viewed under conditions where a contrasting background is present can be assigned with the greatest degree of accuracy. However, the potential for a positive error is also the greatest when a plume is viewed under such contrasting conditions. Under conditions presenting a less contrasting background, the apparent opacity of a plume is less and approaches zero as the color and luminescence contrast decrease toward zero. As a result, significant negative bias and negative errors can be made when a plume is viewed under less contrasting conditions. A negative bias decreases rather than increases the possibility that a plant operator will be incorrectly cited for a violation of opacity standards as a result of observer error.
- (d) Studies have been undertaken to determine the magnitude of positive errors made by qualified observers while reading plumes under contrasting conditions and using the procedures set forth in this method. The results of these studies (field trials) which involve a total of 769 sets of 25 readings

each are as follows:

(1) For black plumes (133 sets at a smoke generator), 100 percent of the sets were read with a positive error of less than 7.5 percent opacity; 99 percent were read with a positive error of less than 5 percent opacity. (Note: For a set, positive error = average opacity determined by observers' 25 observations - average opacity determined from transmissometer's 25 recordings.)

(2) For white plumes (170 sets at a smoke generator, 168 sets at a coal-fired power plant, 298 sets at a sulfuric acid plant), 99 percent of the sets were read with a positive error of less than 7.5 percent opacity; 95 percent were read with a positive error of less than 5 percent opacity.

(e) The positive observational error associated with an average of twenty-five readings is therefore established. The accuracy of the method must be taken into account when determining possible violations of applicable opacity standards.

1. PRINCIPLE AND APPLICABILITY

1.1 Principle. The opacity of emissions from stationary sources is determined visually by a qualified observer.

1.2 Applicability. This method is applicable for the determination of the opacity of emissions from stationary sources pursuant to § 60.11(b) and for visually determining opacity of emissions.

2. PROCEDURES

The observer qualified in accordance with Section 3 of this method shall use the following procedures for visually determining the opacity of emissions.

2.1 Position. The qualified observer shall stand at a distance sufficient to provide a clear view of the emissions with the sun oriented in the 140° sector to his back. Consistent with maintaining the above requirement, the observer shall, as much as possible, make his observations from a position such that his line of vision is approximately perpendicular to the plume direction and, when observing opacity of emissions from rectangular outlets (e.g., roof monitors, open baghouses, noncircular stacks), approximately perpendicular to the longer axis of the outlet. The observer's line of sight should not include more than one plume at a time when multiple stacks are involved, and in any case the observer should make his observations with his line of sight perpendicular to the longer axis of such a set of multiple stacks (e.g., stub stacks on baghouses).

2.2 Field Records. The observer shall record the name of the plant, emission location, facility type, observer's name and affiliation, and the date on a field data sheet (Figure 9-1). The time, estimated distance to the emission location, approximate wind direction, estimated wind speed, description of the sky condition (presence and color of clouds), and plume background are recorded on a field data sheet at the time opacity readings are initiated and

completed.

Figure 9-1. Record of visual determination of opacity.

Company

Location

Test No.

Date

Type Facility

Control Device

Hours of Observation

Observer

Observer Certification Date

Observer Affiliation

Point of Emissions

Height of Discharge Point

CLOCK TIME	Initial			Final
OBSERVER LOCATION				
Distance to				
Direction from				
Height of				
BACKGROUND				
WEATHER CONDITIONS				
Wind Direction				
Wind Speed				
Ambient				
SKY CONDITIONS (clear, overcast, % clouds, etc.)				
PLUME DESCRIPTION				
Color				
Distance				
OTHER INFORMATION				

SUMMARY OF AVERAGE OPACITY

Set Number	Time	Opacity	
		Sum	Average
	Start - End		

Readings ranged from ___ to ___ % opacity.

The source was/was not in compliance with ____ at the time
evaluation was made.

Figure 9-2. Observation record.

Page ____ of ____

Company _____ Observer _____
 Location _____ Type facility _____
 Test Number _____ Point of emissions _____

Seconds						Steam plume (check if applicable)		Comments
Hr	Min	0	15	30	45	Attached	Detached	
	0							
	1							
	2							
	3							
	4							
	5							
	6							
	7							
	8							
	9							
	10							
	11							
	12							
	13							
	14							
	15							
	16							
	17							
	18							
	19							
	20							
	21							

[illegible]

Figure 9-2. Observation record (continued).

Page ____ of ____

Company _____ Observer _____

Location _____ Type facility _____

Test Number _____ Point of emissions _____

Seconds						Steam plume (check if applicable)		Comments
Hr	Min	0	15	30	45	Attached	Detached	
	30							
	31							
	32							
	33							
	34							
	35							
	36							
	37							
	38							
	39							
	40							
	41							
	42							
	43							
	44							
	45							
	46							
	47							
	48							
	49							
	50							
	51							

Handwritten musical notation on ten staves, numbered 52 to 59. The notation consists of vertical stems and beams, with some notes having flags. The staves are arranged in two groups of five.

2.3 Observations. Opacity observations shall be made at the point of greatest opacity in that portion of the plume where condensed water vapor is not present. The observer shall not look continuously at the plume but instead shall observe the plume momentarily at 15-second intervals.

2.3.1 Attached Steam Plumes. When condensed water vapor is present within the plume as it emerges from the emission outlet, opacity observations shall be made beyond the point in the plume at which condensed water vapor is no longer visible. The observer shall record the approximate distance from the emission outlet to the point in the plume at which the observations are made.

2.3.2 Detached Steam Plume. When water vapor in the plume condenses and becomes visible at a distinct distance from the emission outlet, the opacity of emissions should be evaluated at the emission outlet prior to the condensation of water vapor and the formation of the steam plume.

2.4 Recording Observations. Opacity observations shall be recorded to the nearest 5 percent at 15-second intervals on an observational record sheet. (See Figure 9-2 for an example.) A minimum of 24 observations shall be recorded. Each momentary observation recorded shall be deemed to represent the average opacity of emissions for a 15-second period.

2.5 Data Reduction. Opacity shall be determined as an average of 24 consecutive observations recorded at 15-second intervals. Divide the observations recorded on the record sheet into sets of 24 consecutive observations. A set is composed of any 24 consecutive observations. Sets need not be consecutive in time and in no case shall two sets overlap. For each set of 24 observations, calculate the average by summing the opacity of the 24 observations and dividing this sum by 24. If an applicable standard specifies an averaging time requiring more than 24 observations, calculate the average for all observations made during the specified time period. Record the average opacity on a record sheet. (See Figure 9-1 for an example.)

3. QUALIFICATION AND TESTING

3.1 Certification Requirements. To receive certification as a qualified observer, a candidate must be tested and demonstrate the ability to assign opacity readings in 5 percent increments to 25 different black plumes and 25 different white plumes, with an error not to exceed 15 percent opacity on any one reading and average error not to exceed 7.5 percent opacity in each category. Candidates shall be tested according to the procedures described in Section 3.2. Smoke generators used pursuant to Section 3.2 shall be equipped with a smoke meter which meets the requirements of Section 3.3. The certification shall be valid for a period of 6 months, at which time the qualification procedure must be repeated by any observer in order to retain certification.

3.2 Certification Procedure. The certification test consists of showing the candidate a complete run of 50 plumes--25 black plumes and 25 white plumes--generated by a smoke generator. Plumes within each set of 25 black and 25 white runs shall be presented in random order. The candidate assigns an opacity value to each plume and records his observation on a suitable form. At the completion of each run of 50 readings, the score of the candidate is determined. If a candidate fails to

qualify, the complete run of 50 readings must be repeated in any retest. The smoke test may be administered as part of a smoke school or training program and may be preceded by training or familiarization runs of the smoke generator during which candidates are shown black and white plumes of known opacity.

3.3 Smoke Generator Specifications. Any smoke generator used for the purposes of Section 3.2 shall be equipped with a smoke meter installed to measure opacity across the diameter of the smoke generator stack. The smoke meter output shall display in-stack opacity based upon a pathlength equal to the stack exit diameter, on a full 0 to 100 percent chart recorder scale. The smoke meter optical design and performance shall meet the specifications shown in Table 91. The smoke meter shall be calibrated as prescribed in Section 3.3.1 prior to the conduct of each smoke reading test. At the completion of each test, the zero and span drift shall be checked and if the drift exceeds ± 1 percent opacity, the condition shall be corrected prior to conducting any subsequent test runs. The smoke meter shall be demonstrated, at the time of installation, to meet the specifications listed in Table 9-1. This demonstration shall be repeated following any subsequent repair or replacement of the photocell or associated electronic circuitry including the chart recorder or output meter, or every 6 months, whichever occurs first.

TABLE 9-1 - SMOKE METER DESIGN AND PERFORMANCE SPECIFICATIONS

Parameter	Specification
a. Light Source	Incandescent lamp operated at nominal rated voltage
b. Spectral response of photocell	Photopic (daylight spectral response of the human eye - Citation 3)
c. Angle of view	15° maximum total angle
d. Angle of projection	15° maximum total angle
e. Calibration error	$\pm 3\%$ opacity, maximum
f. Zero and span drift	$\pm 1\%$ opacity, 30 minutes
g. Response time	5 seconds

3.3.1 Calibration. The smoke meter is calibrated after allowing a minimum of 30 minutes warmup by alternately producing simulated opacity of 0 percent and 100 percent. When stable response at 0 percent or 100 percent is noted, the smoke meter is adjusted to produce an output of 0 percent or 100 percent, as appropriate. This calibration shall be repeated until stable 0 percent and 100 percent opacity values may be produced by alternately switching the power to the light source on and off while the smoke generator is not producing smoke.

3.3.2 Smoke Meter Evaluation. The smoke meter design and performance are to be evaluated as follows:

3.3.2.1 Light Source. Verify from manufacturer's data and from voltage measurements made at the lamp, as installed, that the lamp is operated within ± 5 percent of the nominal rated voltage.

3.3.2.2 Spectral Response of Photocell. Verify from manufacturer's data that the photocell has a photopic response; i.e., the spectral sensitivity of the cell shall closely approximate the standard spectral-luminosity in (b) of Table 91.

3.3.2.3 Angle of View. Check construction geometry to ensure that the total angle of view of the smoke plume, as seen by the photocell, does not exceed 15° . The total angle of view may be calculated from: $\theta = 2 \tan^{-1} (d/2L)$, where θ = total angle of view; d = the sum of the photocell diameter + the diameter of the limiting aperture; and L = the distance from the photocell to the limiting aperture. The limiting aperture is the point in the path between the photocell and the smoke plume where the angle of view is most restricted. In smoke generator smoke meters this is normally an orifice plate.

3.3.2.4 Angle of Projection. Check construction geometry to ensure that the total angle of projection of the lamp on the smoke plume does not exceed 15° . The total angle of projection may be calculated from: $\theta = 2 \tan^{-1} (d/2L)$, where θ = total angle of projection; d = the sum of the length of the lamp filament + the diameter of the limiting aperture; and L = the distance from the lamp to the limiting aperture.

3.3.2.5 Calibration Error. Using neutral-density filters of known opacity, check the error between the actual response and the theoretical linear response of the smoke meter. This check is accomplished by first calibrating the smoke meter according to Section 3.3.1 and then inserting a series of three neutral-density filters of nominal opacity of 20, 50, and 75 percent in the smoke meter pathlength. Filters calibrated within 2 percent shall be used. Care should be taken when inserting the filters to prevent stray light from affecting the meter. Make a total of five nonconsecutive readings for each filter. The maximum error on any one reading shall be 3 percent opacity.

3.3.2.6 Zero and Span Drift. Determine the zero and span drift by calibrating and operating the smoke generator in a normal manner over a 1-hour period. The drift is measured by checking the zero and span at the end of this period.

3.3.2.7 Response Time. Determine the response time by producing the series of five simulated 0 percent and 100 percent opacity values and observing the time required to reach stable response. Opacity values of 0 percent and 100 percent may be simulated by alternately switching the power to the light source off and on while the smoke generator is not operating.

4. BIBLIOGRAPHY

1. Air Pollution Control District Rules and Regulations, Los Angeles County Air Pollution Control District, Regulation IV, Prohibitions, Rule 50.
2. Weisburd, Melvin I., Field Operations and Enforcement Manual for Air, U.S. Environmental Protection Agency, Research Triangle Park, NC, APTD-1100,

August 1972, pp. 4.1-4.36.

3. Condon. E.U., and Odishaw, H., Handbook of Physics, McGraw-Hill Co., New York, NY, 1958, Table 3.1, p. 6-52.

EXHIBIT 3
to
Declaration of Chris McCourt

Dragoo, Denise

To: Dragoo, Denise
Subject: FW: Alton Coal Development's Fugitive Dust Control Plan
Attachments: alton.fdcg.jpg



alton.fdcg.jpg (325
KB)

-----Original Message-----

From: Jon Black [mailto:jlblack@utah.gov]
Sent: Monday, June 21, 2010 3:09 PM
To: Dave Strohm
Cc: Chris McCourt
Subject: RE: Alton Coal Development's Fugitive Dust Control Plan

Hi Dave,

Here is a copy of the front page of your proposed fugitive dust control plan. It was accepted and stamped by Jason Krebs of our Compliance Section.

Please let me know if you have any additional questions.

Thanks,

Jon L. Black
Environmental Engineer
Utah Division of Air Quality
Department of Environmental Quality
195 North 1950 West
Salt Lake City, Utah 84114
Phone: (801) 536-4047
Fax: (801) 536-4099

ALTON COAL DEVELOPMENT, LLC

463 NORTH 100 WEST, SUITE 1

(435) 867-5331

Fugitive Dust Control Plan For

Coal Hollow Project

Located In:

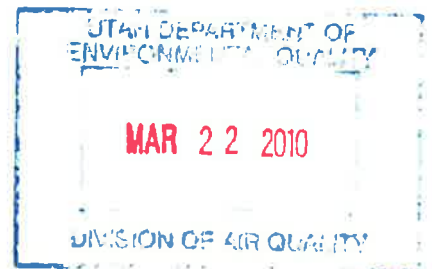
**T39S, R5W, Sections 19, 20, 29 and 30, southeast
of Alton in Kane County, UT**

for questions regarding this plan contact

Chris McCourt

at

(435) 867-5331



ACCEPTED



JK

R307. Environmental Quality, Air Quality.**R307-205. Emission Standards: Fugitive Emissions and Fugitive Dust.****R307-205-1. Applicability.**

(1) Except where otherwise specified, R307-205 applies statewide.

(2) The provisions of R307-205 shall not apply to any sources for which limitations for fugitive dust or fugitive emissions are assigned pursuant to R307-401, R307-305, or R307-307 nor shall they apply to agricultural or horticultural activities.

(3) The following definitions apply throughout R307-205:

"Material" means sand, gravel, soil, minerals or other matter which may create fugitive dust.

"Road" means any public or private road.

R307-205-2. Fugitive Emissions.

Fugitive emissions from sources in areas outside Davis, Salt Lake and Utah Counties, Ogden City and any nonattainment area for PM10 and which were constructed before April 25, 1971, shall not exceed 40% opacity. Fugitive emissions from sources constructed after April 25, 1971, shall not exceed 20% opacity.

R307-205-3. Fugitive Dust.

(1) Storage and Handling of Aggregate Materials. Any person owning, operating or maintaining a new or existing material storage, handling or hauling operation shall minimize fugitive dust from such an operation. Such control may include the use of enclosures, covers, stabilization or other equivalent methods or techniques as approved by the executive secretary.

(2) Construction and Demolition Activities.

(a) Any person engaging in clearing or leveling of land greater than one-quarter acre in size, earthmoving, excavation, or movement of trucks or construction equipment over cleared land greater than one-quarter acre in size or access haul roads shall take steps to minimize fugitive dust from such activities. Such control may include watering and chemical stabilization of potential fugitive dust sources or other equivalent methods or techniques approved by the executive secretary.

(b) The owner or operator of any land area greater than one-quarter acre in size that has been cleared or excavated shall take measures to prevent fugitive particulate matter from becoming airborne. Such

(a) periodic watering of unpaved roads,

measures may include:

- (i) planting vegetative cover,
- (ii) providing synthetic cover,
- (iii) watering,
- (iv) chemical stabilization,
- (v) wind breaks, or
- (vi) other equivalent methods or techniques

approved by the executive secretary.

(c) Any person engaging in demolition activities including razing homes, buildings, or other structures or removing paving material from roads or parking areas shall take steps to minimize fugitive dust from such activities. Such control may include watering and chemical stabilization or other equivalent methods or techniques approved by the executive secretary.

R307-205-4. Roads.

(1) Any person planning to construct or operate a new unpaved road which is anticipated to have an average daily traffic volume of 150 vehicle trips per day or greater, averaged over a consecutive five day period, shall submit a notice of intent to construct or operate such a road to the executive secretary pursuant to R307-401. Such notice shall include proposed action to minimize fugitive dust emissions from the road.

(2) The executive secretary may require persons owning, operating or maintaining any new or existing road, or having right-of-way easement or possessory right to use the same to supply traffic count information as determined necessary to ascertain whether or not control techniques are adequate or additional controls are necessary.

(3) Any person who deposits materials which may create fugitive dust on a public or private paved road shall clean the road promptly.

R307-205-5. Mining Activities.

(1) Fugitive dust, construction activities, and roadways associated with mining activities are regulated under the provisions of R307-205-5 and not by R307-205-3 and 4.

(2) Any person who owns or operates a mining operation shall minimize fugitive dust as an integral part of site preparation, mining activities, and reclamation operations.

(3) The fugitive dust control measures to be used may include:

- (b) chemical stabilization of unpaved roads,

- (c) paving of roads,
- (d) prompt removal of coal, rock minerals, soil, and other dust-forming debris from roads and frequent scraping and compaction of unpaved roads to stabilize the road surface,
- (e) restricting the speed of vehicles in and around the mining operation,
- (f) revegetating, mulching, or otherwise stabilizing the surface of all areas adjoining roads that are a source of fugitive dust,
- (g) restricting the travel of vehicles on other than established roads,
- (h) enclosing, covering, watering, or otherwise treating loaded haul trucks and railroad cars, to minimize loss of material to wind and spillage,
- (i) substitution of conveyor systems for haul trucks and covering of conveyor systems when conveyed loads are subject to wind erosion,
- (j) minimizing the area of disturbed land,
- (k) prompt revegetation of regraded lands,
- (l) planting of special windbreak vegetation at critical points in the permit area,
- (m) control of dust from drilling, using water sprays, hoods, dust collectors or other controls approved by the executive secretary.
- (n) restricting the areas to be blasted at any one time,
- (o) reducing the period of time between initially disturbing the soil and revegetating or other surface stabilization,
- (p) restricting fugitive dust at spoil and coal transfer and loading points,
- (q) control of dust from storage piles through use of enclosures, covers, or stabilization and other equivalent methods or techniques as approved by the executive secretary, ~~and~~ or
- (r) other techniques as determined necessary by the executive secretary.

(4) Any person owning or operating an existing mining operation in an actual area of nonattainment for particulate or an existing mining operation outside an actual area of nonattainment from which fugitive dust impacts an actual area of nonattainment for particulate shall submit plans for control of fugitive dust from such operations to the executive secretary for approval no later than September 29, 1981, 180 days after the effective date of this regulation.

R307-205-6. Tailings Piles and Ponds.

(1) Fugitive dust, construction activities, and roadways associated with tailings piles and ponds are regulated under the provisions of R307-205-6 and not

by R307-205-3 and 4.

(2) Any person owning or operating an existing tailings operation where fugitive dust results from grading, excavating, depositing, or natural erosion or other causes in association with such operation shall take steps to minimize fugitive dust from such activities. Such controls may include:

- (a) watering,
- (b) chemical stabilization,
- (c) synthetic covers,
- (d) vegetative covers,
- (e) wind breaks,
- (f) minimizing the area of disturbed tailings,
- (g) restricting the speed of vehicles in and around the tailings operation, or
- (h) other equivalent methods or techniques which may be approvable by the executive secretary.

(3) Any person owning or operating an existing tailings operation in a nonattainment area for particulate or an existing mining operation outside an actual area of nonattainment from which fugitive dust impacts an actual area of nonattainment for particulate shall submit plans for control of fugitive dust from such operations to the executive secretary for approval no later than September 29, 1981, 180 days after the effective date of this regulation.

KEY: air pollution, fugitive emissions*, mining*, tailings*

1999	19-2-101
	19-2-104
	19-2-109

R307. Environmental Quality, Air Quality.

R307-309. Davis, Salt Lake and Utah Counties, Ogden City and Any Nonattainment Area for PM10: Fugitive Emissions and Fugitive Dust.

R307-309-1. Applicability and Definitions.

(1) Applicability. R307-309 applies to all sources of fugitive dust and fugitive emissions located in Davis, Salt Lake and Utah Counties, Ogden City, and any nonattainment area for PM10, except as specified in (2) below. Any source located in those areas for which limitations for fugitive dust or fugitive emissions are assigned pursuant to R307-401 is subject to R307-309 on May 4, 1999, unless the source has an operating permit issued under R307-415 prior to that date. If the source has an operating permit, the source is subject to R307-309 on the date of permit renewal or permit reopening as specified in R307-415, whichever occurs first.

(2) Exemptions.

(a) The provisions of R307-309 do not apply to agricultural or horticultural activities.

(b) Any source which is subject to R307-305-2 through 7 or R307-307 is exempt from all provisions of R307-309 except for R307-309-4.

(c) Any source regulated by R307-205-5 or R307-205-6 is exempt from all provisions of R307-309 except for R307-309-4.

(3) The following additional definitions apply to R307-309:

"Material" means sand, gravel, soil, minerals or other matter which may create fugitive dust.

"Road" means any public or private road.

R307-309-2. Fugitive Emissions.

Fugitive emissions from any source shall not exceed 15% opacity.

R307-309-3. General Requirements for Fugitive Dust.

(1) Opacity caused by fugitive dust shall not exceed: (a) 10% at the property boundary; and (b) 20% on site unless an approval order issued under R307-401 or a dust control plan specifies a lower level; except when the wind speed exceeds 25 miles per hour and the owner or operator is taking appropriate actions to control fugitive dust. If the source has a dust control plan approved by the executive secretary, control measures in the plan are considered appropriate. Wind speed may be measured by a hand-held anemometer or equivalent device.

(2) Any source with a dust control plan approved by

the executive secretary prior to March 4, 1999, shall review and revise the plan in accordance with R307-309-4 below. The revised plan shall be submitted to the executive secretary no later than May 4, 1999.

R307-309-4. Fugitive Dust Control Plan.

(1) Any person owning or operating a new or existing source of fugitive dust, including storage, hauling or handling operations or engaging in clearing or leveling of land one-quarter acre or greater in size, earthmoving, excavation, or movement of trucks or construction equipment over cleared land one-quarter acre or greater in size or access haul roads shall submit a plan to control fugitive dust to the executive secretary no later than 30 days after the source becomes subject to the rule. The plan shall address fugitive dust control strategies for the following operations as applicable:

- (a) Material Storage;
 - (b) Material handling and transfer;
 - (c) Material processing;
 - (d) Road ways and yard areas;
 - (e) Material loading and dumping;
 - (f) Hauling of materials;
 - (g) Drilling, blasting and pushing operations;
 - (h) Clearing and leveling;
 - (i) Earth moving and excavation;
 - (j) Exposed surfaces;
 - (k) Any other source of fugitive dust.
- (2) Strategies to control fugitive dust may include:
- (a) Wetting or watering;
 - (b) Chemical stabilization;
 - (c) Enclosing or covering operations;
 - (d) Planting vegetative cover;
 - (e) Providing synthetic cover;
 - (f) Wind breaks;
 - (g) Reducing vehicular traffic;
 - (h) Reducing vehicular speed;
 - (i) Cleaning haul trucks before leaving loading area;
 - (j) Limiting pushing operations to wet seasons;
 - (k) Paving or cleaning road ways;
 - (l) Covering loads;
 - (m) Conveyor systems;
 - (n) Boots on drop points;
 - (o) Reducing the height of drop areas;
 - (p) Using dust collectors;
 - (q) Reducing production;
 - (r) Mulching;
 - (s) Limiting the number and power of blasts;
 - (t) Limiting blasts to non-windy days and wet seasons;

- (u) Hydro drilling;
 - (w) Using a cattle guard before entering a paved road;
 - (x) Washing haul trucks before leaving the loading site; or
 - (y) Terracing.
- (3) Each source shall comply with all provisions of the fugitive dust control plan as approved by the executive secretary.

R307-309-5. Storage, Hauling and Handling of Aggregate Materials.

Any person owning, operating or maintaining a new or existing material storage, handling or hauling operation shall prevent, to the maximum extent possible, material from being deposited onto any paved road other than a designated deposit site. Any such person who deposits materials which may create fugitive dust on a public or private paved road shall clean the road promptly.

R307-309-6. Construction and Demolition Activities.

Any person engaging in clearing or leveling of land with an area of one-quarter acre or more, earthmoving, excavating, construction, demolition, or moving trucks or construction equipment over cleared land or access haul roads shall prevent, to the maximum extent possible, material from being deposited onto any paved road other than a designated deposit site. Any such person who deposits materials which may create fugitive dust on a public or private paved road shall clean the road promptly.

R307-309-7. Roads.

(1) Any person responsible for construction or maintenance of any existing road or having right-of-way easement or possessing the right to use the same whose activities result in fugitive dust from the road shall minimize fugitive dust to the maximum extent possible. Any such person who deposits materials which may create fugitive dust on a public or private paved road shall clean the road promptly.

(2) Unpaved Roads.

(a) When unpaved roads have an average daily traffic volume of less than 150 vehicle trips per day, averaged over a consecutive 5-day period, fugitive dust shall be minimized to the maximum extent possible.

(b) When unpaved roads have an average daily traffic volume of 150 vehicle trips per day or greater, averaged over a consecutive 5 day period, control techniques shall be used which are equal to or better than 2-inch bituminous surface.

- (v) Wetting materials before processing;
- (c) Any person responsible for construction or maintenance of any new or existing unpaved road shall prevent, to the maximum extent possible, the deposit of material from the unpaved road onto any intersecting paved road during construction or maintenance. Any person who deposits materials which may create fugitive dust on a public or private paved road shall clean the road promptly.

**KEY: air pollution, dust*
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